

**FINAL REPORT  
OF THE  
PUBLIC SAFETY MATTERS  
EVALUATION COMMITTEE**



**Indiana Legislative Services Agency  
200 W. Washington St., Suite 301  
Indianapolis, Indiana 46204-2789**

**November, 2003**

# INDIANA LEGISLATIVE COUNCIL

## 2003

Senator Robert Garton

Chairman

Columbus

Speaker B. Patrick Bauer

Vice-Chairman

South Bend

Sen. Richard Young

Milltown

Representative Brian Bosma

Indianapolis

Senator Becky Skillman

Bedford

Representative Russell Stilwell

Boonville

Senator Joseph Harrison

Attica

Representative Dale Grubb

Covington

Senator Patricia Miller

Indianapolis

Representative Charlie Brown

Gary

Senator Thomas Wyss

Fort Wayne

Representative Scott Pelath

Michigan City

Senator James Lewis

Charlestown

Representative Kathy Richardson

Noblesville

Senator Earline Rogers

Gary

Representative Richard Mangus

Lakeville

Philip J. Sachtleben  
Executive Director  
Legislative Services Agency

# **Public Safety Matters Evaluation Committee**

## **Membership Roster**

### **Senators**

**Thomas Wyss  
Fort Wayne**

**John Broden  
South Bend**

**Charles Meeks  
Leo**

**Timothy Skinner  
Terre Haute**

### **Representatives**

**Tiny Adams  
Muncie**

**Robert Cherry  
Greenfield**

**David Crooks  
Washington**

**Timothy Neese  
Elkhart**

## **Legislative Services Agency Staff**

**Valerie Ruda, Fiscal Analyst  
Susan Montgomery, Attorney**

**November, 2003**

A copy of this report is available on the Internet. Reports, minutes, and notices are organized by committee. This report and other documents for this Committee can be accessed from the General Assembly Homepage at <http://www.state.in.us/legislative/>.

## FINAL REPORT

### **Public Safety Matters Evaluation Committee**

#### **I. LEGISLATIVE COUNCIL DIRECTIVES**

The Legislative Council assigned the Committee to study the following:

- Nightclub safety and pyrotechnics: Senate Concurrent Resolution 32
- Titling and registration of vehicles: Senate Resolution 43
- Other security-related matters: Legislative Council Resolution 03-01

#### **II. INTRODUCTION AND REASONS FOR STUDY**

(1) The basis of the Committee charge concerning the need for the study of the overall safety of nightclubs and similar venues and the use of indoor pyrotechnics is Senate Concurrent Resolution 32, authored by Senator Simpson, Senator Lubbers, and Senator Alting.

(2) The basis of the Committee charge concerning the need for study of the issues related to the need to strengthen Indiana's motor vehicle titling and registration requirements is Senate Resolution 43, authored by Senator Clark, Senator Lewis, Senator R. Young, Senator Lanane, and Senator Merritt.

(3) The basis of the Committee charge for the study of other security matters was a directive from the Legislative Council contained in Legislative Council Resolution 03-01.

#### **III. SUMMARY OF WORK PROGRAM**

The Committee met six times during the 2003 interim. Meetings were held as follows:

1. July 15, 2003, at the State House: discussion of Legislative Council assignments; update on Indiana Counter-Terrorism Security Council; presentation on federal reimbursement monies.
2. July 31, 2003, at the Wayne Township (Marion County) Fire Department: discussions on nightclub safety and pyrotechnics and regional firefighter training.
3. August 26, 2003, at the State House: discussions on motor vehicle titling and registration requirements, and the licensing of and restrictions for impaired drivers.
4. September 24, 2003, at the State House: further discussion on pyrotechnics, nightclub safety, and impaired drivers.

5. October 16, 2003, at the State House: discussions of preliminary drafts regarding indoor pyrotechnics and motor vehicle dealer bonding; resolution regarding impaired drivers; report from Bureau of Motor Vehicles; and regional firefighter training.
6. October 29, 2003, at the State House: further discussion and vote on topics of study, preliminary drafts, a resolution, and the final report.

#### **IV. SUMMARY OF TESTIMONY**

##### **Nightclub Safety and Indoor Pyrotechnics / Fireworks**

The Committee studied the topic that was assigned after the Rhode Island nightclub tragedy. Special Agent Jeff Groh, Bureau of Alcohol, Tobacco, Firearms, and Explosives, spoke about the fire hazards and other circumstances that led up to the fire. Phil Ramsey of Ramsey Pyrotechnics, and Mark Hopkins of Pyrotechnic Productions provided testimony on actions that could be taken to prevent such a tragedy. Fire Marshal Tracy Boatwright discussed the National Fire Protection Association Standard 1126 (NFPA 1126).

Discussion on Preliminary Draft 3122 (2004), which addresses the use of indoor pyrotechnics and employs the NFPA 1126 standards, was presented by Mara Snyder, Office of the State Fire Marshal. Captain Ron Lovett of the Indianapolis Fire Department and Tom Hanify of the Professional Firefighters Union of Indiana both spoke regarding the preliminary draft. The Committee discussed premium costs for insurance and penalties contained in the draft. Jodie Woods, Indiana Association of Cities and Towns (IACT), and Tom Freuchtenich, Attorney at Law, commented on the insurance coverage requirement.

Preliminary Draft 3286 (2004), succeeding PD 3122 (2004), contained changes to the insurance and penalty requirements. Matt Brase of IACT, Mike Hayes, Penn Township Trustee (Elkhart County), and Mark Orellana, Penn Township Fire Chief (Elkhart County), provided testimony on the insurance requirements. John Brooke, Indiana Fireworks Distributors Association, spoke regarding his perception of the knowledge of fireworks within the Fire Prevention and Building Safety Commission.

Preliminary Draft 3506 (2004), succeeding PD 3286 (2004), no longer addressed the fireworks insurance requirement and added the word 'indoor' before the word 'pyrotechnics'. In response to questions from the Committee, Fire Marshal Boatwright noted that NFPA Standard 1123 applies to outdoor fireworks displays as well as indoor displays of fireworks. The Committee accepted PD 3506 (2004) by consent at its final meeting.

##### **Vehicle Titling Requirements**

The Committee heard testimony regarding the 21-day allowance for vehicle title delivery. Discussion included the requirements of delivery of title upon sale and reasons for dealers' failure to deliver title in a timely manner.

Captain Steve Hillman and Officer Donna Elam, both of the Indiana State Police, presented

testimony on the problem of failing to deliver title. Marilyn Cage and Anita Morris, Bureau of Motor Vehicles (BMV), spoke about other issues regarding motor vehicle titling.

Nelson Becker representing the Auto Dealers Association, Amber Moore of Community Bankers Association, Tom Gang of Community Bank of Noblesville, Chris Beaumont of the Indiana Credit Union League, Kerry Spradlin of the Indiana Bankers Association, Diana Ulm of Fifth Third Bank, and Fritz Kreutzinger of the Indiana Independent Auto Dealers, all spoke on the failure-to-deliver problem.

Preliminary Draft 3217 (2004), mandating a bond for operation of used motor vehicle dealerships, was discussed by the Committee. Les Miller, Indiana State Police, suggested additional language for the draft. Jennifer Thuma, Office of the Attorney General, provided testimony on the failure-to-deliver problem and the bond requirement.

Joel Garcia of the Automotive Finance Corporation, John Livengood of Livengood & Associates, Terry and Chester Goins of Auto Dealers Exchange, Bill Mathews of Auction Broadcasting Company, Dennis Jones and Bob Netolicky of Adesa Auto Auction, and Fritz Kreutzinger of the Indiana Independent Automobile Dealers Association, all spoke on the bond requirement.

Preliminary Draft 3462 (2004), succeeding PD 3217 (2004), was presented to the Committee at its final meeting. Nelson Becker commented on the draft and suggested that new car dealers who also sell used cars be exempt from the draft. Les Miller spoke regarding the nature of consumer complaints received. Representative Cherry suggested the topic be studied further. A roll call vote on the draft, 3-2, did not receive a majority vote, and thus PD 3462 (2004) did not pass the Committee.

Preliminary Draft 3296 (2004), proposing the creation of a task force to review motor vehicle dealer consumer complaints and report to the Governor and Legislative Council on its findings, was discussed. The Committee passed PD 3296 by consent at its final meeting.

## **Impaired Drivers**

The Committee examined this topic in light of situations when impaired drivers have endangered others due to factors other than alcohol or drugs.

Marilyn Cage presented information on the BMV's confidential reporting program for individuals who believe a driver potentially may be impaired. She also presented BMV's review of HB 1379 (2000) in light of the Health Insurance Portability and Accountability Act (HIPAA).

Linda Tritch, certified driver rehabilitation specialist, provided information on driver rehabilitation programs. She informed the Committee of lack of insurance reimbursement for driver rehabilitation programs as well as the effects of federal HIPAA privacy restrictions on the programs.

Jim Zieba of the Indiana State Medical Association, June Lyle of the Indiana American Association of Retired Persons, and Ron Wuensch of the Indiana Optometric Association all spoke on impaired driver issues.

A resolution was prepared for the Committee encouraging awareness and education of medical practitioners concerning patients' driving impairments. The Committee accepted Resolution 20041483.001 by consent at its final meeting.

### **Regional Firefighter Training**

The Committee discussed issues associated with determining the need for a central training academy and for regional training centers. Concerns included the costs and time involved with sending firefighters, including volunteer firefighters, to a distant training center.

James Tidd, Deputy Director for the Grissom Redevelopment Authority, opened discussion regarding using a portion of Grissom Air Force Base as a potential site for a central training facility. Pat Ralston, Director of the Indiana State Emergency Management Agency, Tom Hanify of the Professional Firefighters Union, and Diane Mack of the Indiana Counter-Terrorism and Security Council spoke on the training needs of Indiana firefighters.

Chairman Wyss requested the State Fire Marshal to look at the feasibility of having regional firefighter training facilities and report back to the Committee at the final meeting.

At the Committee's final meeting, the Fire Marshal stated that a report containing the requested information will be produced by the end of December. Chairman Wyss thanked Tom Hanify for bringing the topic to the Committee's attention. Mr. Hanify thanked the Committee in return. Chairman Wyss asked that the final report contain a unanimous recommendation for regional firefighter training sites.

### **Other Security Matters**

Director Clifford Ong, Indiana Counter-Terrorism and Security Council, presented information on the following: the Council, Indiana's Strategy for Homeland Security, funding for homeland security, and statewide 800 Mhz voice and data communications system.

Manuela Johnson, Director of the Anti-terrorism Division of the Indiana State Emergency Management Agency, spoke regarding reimbursement funds from the federal government and the agency's three-year security strategy intended to help retain federal funding.

## **V. COMMITTEE FINDINGS AND RECOMMENDATIONS**

The Committee made the following findings of fact:

(A) *Fireworks and Indoor Pyrotechnics* - that indoor pyrotechnics should be regulated and that a certain National Fire Protection Association standard should be adopted by the state.

(B) *Vehicle Titling Requirements* - that a task force should be established to evaluate motor vehicle dealer consumer complaints.

(C) *Impaired Drivers* - that education and awareness of impaired driver characteristics need to be encouraged and that certain medical practitioners should be encouraged to alert and

counsel their patients and clients concerning driving impairments.

(D) *Regional Firefighter Training* - that the need for regional fire fighting training centers should be evaluated for feasibility.

The Committee made the following recommendations:

(A) *Fireworks and Indoor Pyrotechnics* - The Committee recommended by consent Preliminary Draft 3506 (2004) to the General Assembly. The PD addresses the use of indoor pyrotechnics and penalties for violations.

(B) *Vehicle Titling Requirements* - The Committee did not recommend Preliminary Draft 3462 (2004) to the General Assembly due to lack of a majority vote. The PD addressed requiring a bond for operation of motor vehicle dealerships and wholesale dealerships.

The Committee recommended by consent Preliminary Draft 3296 (2004) to the General Assembly. The PD addresses the establishment of a task force that would evaluate motor vehicle dealer consumer complaints.

(C) *Impaired Drivers* - The Committee recommended by consent to pass Resolution 20041483.001 encouraging medical practitioners to educate members of their professions regarding impairments to driving safety and to alert and counsel their patients and clients of such.

(D) *Regional Firefighter Training* - The Committee unanimously recommended that the feasibility of regional firefighter training sights be studied.

The Committee voted by consent to adopt the draft copy of the final report of the Committee, which would be amended and updated to reflect the action taken at the sixth and final meeting of the Committee.



## WITNESS LIST

Clifford Ong, Indiana Counter-Terrorism and Security Council  
Tracy Boatwright, State Fire Marshal  
Manuela Johnson, Antiterrorism Division, Indiana State Emergency Management Agency  
State Senator Vi Simpson  
Jeff Groh, Bureau of Alcohol, Tobacco, Firearms, and Explosives  
Phil Ramsey, Ramsey Pyrotechnics  
Mark Hopkins, Pyrotechnic Productions  
James Tidd, Grissom Redevelopment Authority  
Pat Ralston, Director, Indiana State Emergency Management Agency  
Tom Hanify, Professional Firefighters Union  
Diane Mack, member, Indiana Counter-Terrorism and Security Council  
Steve Hillman, Captain, Indiana State Police  
Donna Elam, Indiana State Police  
Marilyn Cage, Legislative Liaison, Bureau of Motor Vehicles  
Anita Morris, Chief Legal Counsel, Bureau of Motor Vehicles  
Nelson Becker, Auto Dealers Association  
Amber Moore, Community Bankers Association  
Tom Gang, Community Bank of Noblesville  
Kerry Spradlin, Indiana Bankers Association  
Diana Ulm, Fifth Third Bank  
Fritz Kreutzinger, Indiana Independent Auto Dealers  
Joel Garcia, Automotive Finance Corporation  
John Livengood, Livengood & Associates  
Terry Goins, Auto Dealers Exchange  
Chester Goins, Auto Dealers Exchange  
Bill Mathews, Auction Broadcasting Company  
Jim Zieba, Indiana State Medical Association  
June Lyle, Indiana American Association of Retired Persons  
Ron Wuensch, Indiana Optometric Association  
Linda Tritch, Certified Driver Rehabilitation Specialist, Parkview Hospital  
Mara Snyder, Staff Attorney, Office of the State Fire Marshal  
Jodie Woods, Indiana Association of Cities and Towns  
Ron Lovett, Captain, Indianapolis Fire Department  
State Senator Teresa Lubbers  
Thomas Fruechtenicht, Attorney at Law  
Matt Brase, Indiana Association of Cities and Towns  
Mike Hayes, Penn Township Trustee, St. Joseph County  
Mark Orellana, Penn Township Fire Chief, St. Joseph County  
John Brooke, Indiana Fireworks Distributors Association  
Les Miller, Special Counsel, Indiana State Police  
Jennifer Thuma, Office of the Attorney General  
Bob Netolicky, Adesa Auto Auction  
Dennis Jones, Adesa Auto Auction  
Chris Beaumont, Indiana Credit Union League